

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

PHILIP K. DRUMMOND,

Plaintiff,

—v—

ZEUS PROPERTIES, L.L.C.,

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

COMES NOW Plaintiff Philip K. Drummond and makes this his  
Complaint against Defendant as follows:

**1**

Defendant is a corporation organized and existing under the laws of the State of Georgia and is a company over which this Court has jurisdiction. Service may be had upon it by service upon its registered agent: Merritt W. Dixon, IV, 702 Bradley Point Rd., Savannah, GA.

**2**

Zeus Properties, L.L.C. is subject to the Americans with Disabilities Act. This court has subject matter jurisdiction over these claims.

**3**

Venue is proper in this Court.

**4**

Philip K. Drummond is a disabled person capable of work below the substantial gainful activity level specified by the Social Security disability laws when provided with reasonable accommodation by an employer for rest.

**5**

Defendant employed Plaintiff for many years and accommodated his disability by allowing rest breaks and a place to take them.

**6**

Defendant changed management and told Plaintiff he could still rest but did not reasonably accommodate this need with a place where he could rest and where Defendant would allow him to so rest.

**7**

When Plaintiff rested, he was told he was resting in a place not allowed, and was fired.

**8**

This failure and refusal to accommodate constituted disability discrimination.

**9**

Plaintiff filed a timely charge with the United States Equal Employment Opportunity Commission (EEOC) setting forth the disability discrimination.

**10**

The discriminatory action of Defendant occurred in Chatham County, Georgia at the hotel it operates.

**11**

The EEOC issued Plaintiff a “Right-to-Sue” notice or letter.

**12**

Plaintiff has brought this action within 90 days of the issuance of the notice of the Right to Sue, and has otherwise complied with the procedural requirements of the Americans with Disabilities Act.

**13**

At all times relevant hereto, Defendant has been an employer engaged in an industry affecting commerce, has employed over 15 employees, and/or is otherwise subject to the requirements of the Americans with Disabilities Act.

Count I  
(Discrimination Against Plaintiff  
in Violation of the Americans with Disabilities Act)

**14**

Plaintiff incorporates by reference the above allegations into this Count.

**15**

Defendant discriminated against Plaintiff in violation of the Americans with Disabilities Act.

**16**

Plaintiff has exhausted all available administrative remedies.

**17**

Plaintiff has lost pay, and continues to lose partial pay despite mitigation of his damages, as a result of the discrimination, and seeks reimbursement for this as well as pre-judgment interest thereon.

**18**

Plaintiff has suffered emotional distress as a result of the discrimination and seeks reimbursement for this.

**19**

Plaintiff seeks punitive damages, as the actions of Defendant were willful and intentional.

**20**

Alternatively, Plaintiff has suffered nominal and/or liquidated damages as a result of the age discrimination, and seeks reimbursement for this.

**21**

Plaintiff has incurred and will continue to incur attorney fees as a result of trying to protect himself from the discrimination, and seeks reimbursement for this.

Count II  
(Punitive Damages)

**22**

Plaintiff hereby realleges and incorporates herein the above Paragraphs.

**23**

Plaintiff seeks punitive damages, as the actions of Defendant were willful and intentional.

Count III  
(Attorney Fees)

**24**

Plaintiff hereby realleges and incorporates herein the above Paragraphs.

**25**

Pursuant to the Americans with Disabilities Act, Defendant is liable to Plaintiff for his attorney fees and costs and expenses of litigation incurred in prosecuting the claim of discrimination.

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- a. Enter a judgment that Defendant's acts and practices as set forth herein are in violation of the laws of the United States;
- b. Enter preliminary and permanent relief enjoining the discriminatory conduct necessary to end Defendant's discriminatory practices and prevent current and future harm to Plaintiff;
- c. Award Plaintiff lost wages, including back pay, front pay and

continuing consequential wage loss damages, in that amount shown to the jury upon the trial of this matter;

- d. Award Plaintiff compensatory including damages for humiliation, emotional distress and other consequential damages in that amount shown to the jury and/or determined by the enlightened conscience of the jury, upon the trial of this matter;
- e. Award Plaintiff punitive damages in that amount determined by the enlightened conscience of the jury;
- f. Award Plaintiffs the costs of this action, including the fees and costs of experts, together with reasonable attorneys' fees;
- g. Trial by Jury;
- h. Prejudgment Interest;
- i. Recovery of all costs of this action; and
- j. All such other and further relief that plaintiff is entitled to at law and/or equity.

This 9<sup>th</sup> day of January, 2018.

Rouse + Copeland LLC:



Christopher Lane Rouse  
Georgia Bar No. 616521  
Attorney for Plaintiff

P.O. Box 23358  
Savannah, Georgia 31403  
912.233.1272  
912.335.3440(fax)

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

PHILIP K. DRUMMOND,

Plaintiff,

—v—

ZEUS PROPERTIES, L.L.C.,

Defendant.

Civil Action No.\_\_\_\_\_

CERTIFICATE OF  
INTERESTED PARTIES (L.R.  
3.2)

**The undersigned, counsel of record for Plaintiff, certifies that  
the following is a full and complete list of the parties in this  
action:**

Name	Identification & Relationship
Philip K. Drummond	Plaintiff.
Zeus Properties, L.L.C.	Defendant.

**The undersigned further certifies that the following is a full and  
complete list of officers, directors, or trustees of the above-  
identified parties:**

Name	Identification & Relationship
	Unknown to Plaintiff.

**The undersigned further certifies that the following is a full and  
complete list of other persons, firms, partnerships,  
corporations, or organizations that have a financial interest in,  
or another interest which could be substantially affected by, the  
outcome of this case (including a relationship as a parent or  
holding company or any publicly-held corporation that holds**

**10% or more of a party's stock):**

Name	Identification & Relationship
Merritt W. Dixon, IV	Upon information and belief, believed to have an ownership interest in Defendant. The details of the ownership or other interest are not known to Plaintiff.
Merritt W. Dixon, V	Upon information and belief, believed to have an ownership interest in Defendant. The details of the ownership or other interest are not known to Plaintiff.

This 9<sup>th</sup> day of January, 2018.

Rouse + Copeland LLC:



Christopher Lane Rouse  
Georgia Bar No. 616521  
Attorney for Plaintiff

P.O. Box 23358  
Savannah, Georgia 31403  
912.233.1272  
912.335.3440(fax)